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*By austrolyd
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Language Branch

Selection from the "History of Diplomatic Relations between Japan and the United States of America", (A Draft) compiled by the Research Section, Foreign Office. July in the 14th Year of Showa (1939).

CHAPTER II Conclusion of the "Gentlemen's Agreement"

Section 1. Proposal of the United States' Government for Restrictions on Emigration

When AOKI, Japanese Ambassador to Washington, had an interview with President Roosevelt on September 28 in the 40th Year of Meiji (1907), the President earnestly referred to the advisability of restricting the intercourse between the Japanese and American citizens to the educated class. Later, at the interview with Ambassador AOKI on October 26, Secretary of State ROOT advocated in a friendly manner the urgency of enforcing further strict restrictions on emigrant labourers on the part of the Imperial Government. "In spite of general expectation that the execution of the Executive Order (of the President) dated March 14, 1907, issued under Article II of the Immigration Law (of the United States), 1907, would settle for the time being the question of restricting Japanese emigrant labourers", he remarked, "the result of enforcement of the Executive Order over six months was the unexpected increase of immigration of Japanese labourers. Therefore, the Labor Unions on the Pacific coast urge the enactment of a stricter immigration law in view of the inefficacy of the Executive Order (of the President) to prevent

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the entry of Japanese labourers. The Labor Unions, on the other hand, have requested cooperation from all the Labor Unions throughout the country and made interest with the members of the Congress as a result of which anti-Japanese legislators are stressing to the President and the leaders of the Congress the necessity of enacting such legislation. Both the President and the Secretary of State are in no position to refuse the contention of these legislators in view of the fact that the actual increase of Japanese immigrant labourers proved the inefficacy of the law prohibiting the entry of aliens into the United States by way of third countries. Unless the Japanese Government carries out voluntarily and effectively restrictions on Japanese emigrant labourers with clear discernment of the present situation, and provides the United States Government with sufficient reasons to convince it of unnecessary and inadvisability of enacting a law restricting Japanese immigrant labourers, the United States Government fears that the Exclusion Bill might be passed in view of the general trend of affairs." In reply, Ambassador AOKI explained to the Secretary of State that the Imperial Government had been fully cooperating for the attainment of the objective of the Executive Order (of the President) by not only pursuing with sincerity its policy of strictly restricting Japanese emigrant labourers bound for the Continental United States but placing as much restrictions on emigrant labourers bound for Mexico as permissible as an administrative measure. "Should the Congress

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pass an anti-Japanese exclusion law in spite of such sincere efforts of the Imperial Government to enforce strict restrictions on emigrant labourers bound for the United States, it will develop a regrettable situation," the Ambassador continued, and requested the Secretary of State in a friendly manner that, "The United States Government will give thought to such state of affairs and make every effort to restrain the moves in the Congress."

The Secretary of State, however, requested further consideration of the Imperial Government saying that, "Though the United States Government does not suspect the sincerity of the Japanese Government, unfortunately statistical fact establishes positively the inefficacy of the Executive Order (of the President) in obtaining the expected results. According to the investigation made by the United States Government, the principal cause for the increase of Japanese immigrant labourers lies with emigration companies in Japan. Therefore, unless the Japanese Government keeps strict control over such emigration companies, prevention of increase of Japanese immigrant labourers to the United States can never be effected either directly or indirectly. In such a case, the United States Government will find it impossible to restrain the Congress to proceed to alter an exclusion measure in view of protecting the labourers and the welfare of the society in the United States of America."

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Since the aforesaid interview took place soon after the return of the Secretary of State from his Mexican trip, he referred to Japanese emigrant labourers who smuggle into the United States over the Mexican frontier and requested the Japanese Government to control them, going so far as to declare that, "Almost all the Japanese labourers seem to emigrate to Mexico with the sole objective of entering the United States."

The Imperial Government, however, has never neglected to pay due attention to Japanese emigrants to Mexico, and has enforced and is still enforcing such restrictions as deemed most appropriate in the form of an administrative measure within the limit of existing law. Therefore, the Imperial Government instructed Ambassador AOKI to give an expedient and opposite explanation to the United States Government.

Section 2. Conclusion of the "Gentlemen's" Agreement and its efficacy

Later on, the United States Government seems to have found it necessary to make an official proposal to the Japanese Government on the question of restricting the immigration of Japanese labourers. On November 15, the President informed Ambassador AOKI that the various States on the Pacific coast had been demanding fervently the enactment of an Anti-Japanese Exclusion Law and he indicated to him that the statistics of the Immigration Bureau endorsed such demand and that the existence of Japanese

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emigration companies is the principal cause. Then the President emphasized the necessity for the Japanese Government to take strict measures in order to prevent the emigration of labourers and to refuse issuance of passports to students and petty merchants who have no fixed means and are considered to be obliged to work for living. Later on November 16, American Ambassador O'BRIEN sent an official letter to Foreign Minister HAYASHI, requesting further vigorous enforcement of restrictions on emigrant labourers. Again in a memorandum dated 26th of the same month, he proposed the execution of the following measures in regard to Japanese and Korean labourers who desire to emigrate to the Continental United States and the Territory of Hawaii:

1. The Japanese Government should issue a passport in a set form to emigrants and record their physical feature and profession to facilitate their identification.

2. The Japanese Government should maintain its policy not to issue passports for the Continental United States to skilled and unskilled labourers, and the Japanese Government should in future refuse entirely the issuance of passports to those applicants for passports who are found likely to become labourers by thorough investigation of their living conditions after their arrival in the United States.

3. The Japanese Government should not issue more than one thousand passports for Hawaii per annum to labourers or those who are in the above-described living conditions.

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4. The Japanese Government should consider the recipients forfeit the rights accorded by passports in case the recipients of non-labourer passports are engaged in manual labour after their arrival in the Continental United States or the Territory of Hawaii, or the recipients of labourers passports not intended for the United States smuggle into the United States territory.

5. The Japanese Government should enforce registration of Japanese and Korean labourers through its Consuls in the United States in order to protect the legitimate entrants into the United States. The Japanese Government should instruct its Consuls in the United States to issue registration certificates in a fixed form (to be stamped and endorsed by the United States authorities upon request of the aforesaid labourers for one year starting from January 1, 1908, and to cooperate with the United States authorities in collecting required data for identification of Japanese and Korean labourers in case of necessity. The Japanese Government should consider the possession of the aforesaid certificates after the lapse of one year starting from January 1, 1908, as the sole proof required to enable the Japanese or Koreans to be engaged in labour in the United States territory without infringing the provisions of passports, provided that, in the Territory of Hawaii, labourers who hold passports within fixed limit of 1,000 per annum are not required to change their passport for certificates for one year after their arrival in the Territory.

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of Hawaii.

6. The Japanese Government, in cooperation with the United States Government, should make the shipping companies affiliated send back by appropriate measure those Japanese and Koreans who violate the terms of emigration for the purpose of accomplishing the objectives of passports and the aforesaid certificates.

The United States proposal, however, contained certain points hardly acceptable to the Imperial Government. Especially in view of impossibility of carrying out the conditions, Points 4 to 6 presented, the Imperial Government declined to accept the proposal. But in a memorandum dated December 31, Minister HAYASHI informed Ambassador O'BRIEN of an administrative measure the Imperial Government was on the point of adopting to comply with the wishes of the United States Government by such a method as to concur with Japan's interest and prestige.

1. The Japanese Government should suspend issuance of passports for the continental United States to all labourers except to those who wish to return there after a visit to Japan and parents, wives, and children of those who are already residing in the United States.

2. Passports should be issued to settled agriculturists as an exception to the above. Provided proper measures should be taken in order to prevent fraud.

3. The Japanese Government shall adopt a principle not to

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issue passports to students, merchants, and tourists unless close investigation be made prior to the issuance of passports as to the likelihood that they will not be engaged in labour after their arrival in the United States. The Japanese Government shall establish a fixed standard as to their means and education for this purpose and inform the Prefectural Governors thereof.

4. The Imperial Government proses to exclude Hawaii from the present issue and deal with it independently. At the same time the Imperial Government intends to prohibit all labourers from emigrating to the Territory of Hawaii for the time being as an experiment, except to those who wish to return there after a visit to Japan and parents, wives, and children of those who are already residing there.

5. The Imperial Government wishes to take such steps as considered sufficient to nullify the prevailing criticism concerning emigrants for countries adjacent to the United States of America.

Upon notification thereof, in an official letter dated January 25 in the 41st Year of Meiji (1908) addressed to Minister HAYASHI, the American Ambassador reiterated the request to execute the points 4 to 6 of the American proposal and requested the adoption of the following points as additional measures:

1. Strict supervision should be enforced in order to prevent counterfeit and misuse of passports by others.
http://www.legal-tools.org/doc/4c2dd9/

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2. Scrupulous care should be taken as to the issuance of passports to labourers already resident in the United States or to their parents, wives, children, in order to prevent abuse thereof.

3. A settled agriculturist is interpreted to signify a small agricultural capitalist and not an agricultural labourer who receives wages by contract. Passports shall be issued only to those whose economic status conforms to the aforesaid standard. It is to be understood that an agriculturist who has the aforesaid economic status but no real estate right is considered as a violater of the Labour Contract Law of the United States.

4. It is necessary to harmonize the proposals of the Japanese and the United States Governments as to "labourers".

5. Number of passports to be issued to labourers for the Territory of Hawaii shall be limited to 1,000 per annum unless otherwise agreed to by the President of the United States of America.

The Imperial Government found it difficult to agree with points 4 to 6 of the American proposal and point 5 of the additional measures, but, as a result of further deliberation, sent a reply to the American Ambassador in the form of a memorandum attached to an official letter by Minister HAYASHI dated February 18, recommending the following workable measures:

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1. In reference to point 4 of the Proposal of the United States Government, the Japanese Government may refuse to issue passports to those who have appealed to fraudulent means to obtain passports and their parents, wives and children.
2. In reference to point 5 of the Proposal of the United States Government, the Japanese Government shall adopt a kind of registration system by which Japanese nationals in the United States will be required to register themselves at the Japanese Consuls under whose jurisdictions they reside. Provided the lack of the aforesaid registration shall not constitute a reason to forfeit the right of residence.
3. In reference to points 1 and 2 of the Additional Proposal of the United States Government, the Japanese Government is enforcing supervision proposed therein.
4. In reference to the meaning of an agriculturist in point 3 of the Additional Proposal of the United States Government, the interpretation of the United States Government agrees with that of the Imperial Government, and accordingly such interpretation is applied in controlling the issuance of passports.
5. In reference to the definition of a labourer in point 3 of the Additional Proposal of the United States Government, the Imperial Government shall not hesitate to adhere to the definition given in the Executive Order issued on April 4, 1907. However, the Imperial Government does not intend to adhere to the definition given by the President when it is altered in future.

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Later, the American Ambassador proposed in an official letter dated February 21 to Minister HAYASHI:

1. That the United States Government and the Japanese Government should exchange information, at the earliest opportunity after the first day of every month, concerning the number of Japanese nationals leaving and arriving at ports in respective countries in order to ascertain the movements of emigrants;

2. That the Japanese Government should restrict emigration of labourers to the Territory of Hawaii within the limit of necessity after investigating the actual conditions in Hawaii in cooperation with the United States Government in case there arises in future a demand for Japanese labourers in the Territory of Hawaii.

In a memorandum dated February 23, the Japanese Government replied to the American Ambassador that it will agree with the proposal of the United States Government to exchange statistical data concerning the movements of that type of Japanese nationals which is the object of the negotiation for this issue, and to investigate beforehand the labour conditions in the Territory of Hawaii through the United States authorities when it is considered advisable to lift restrictions on Japanese emigrant labourers for the Territory of Hawaii.

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On March 12 the American Ambassador requested Minister HAYASHI to take steps to send back through the Japanese shipping companies those Japanese nationals who have emigrated either to Canada or Mexico and since smuggled into the United States to the said adjacent countries. However, the Japanese Government declined to accept the request of the United States Government since it involves similar difficulties as point 6 of the foregoing proposal of the United States of America. On June 12 when Japanese Ambassador TAKAHIRA had an interview with the President, the President referred to the immigration question, pointing out the fact that large number of Japanese labourers are immigrating to the United States even after the conclusion of the "Gentlemen's Agreement" and that most of them are in reality of labourer class though they call themselves settled agriculturists. He further said that "The Japanese Government should enforce stricter control over issuance of passports." In reply thereto, Ambassador TAKAHIRA, under instructions of the Japanese Government, made an explanation to the following effect, quoting statistical figures:

1. The Imperial Government, in conformity with the spirit of its previous statement, has issued strict instructions to the Prefectural Governors to enforce restrictions on emigration. In order to enforce the said restrictions more effectively, the Foreign Office will be given charge of making direct decision on the advisability of issuing passports to those who wish to go to t

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United States. It is also decided that when application for passports is made by those who are not classified as emigrants (labourers), such as students, merchants, etc., the Prefectural Governor of each prefecture should consult with the Foreign Office. (Its result will be shown in the statistics after May).

2. Since permission for emigration is restricted to those who are in possession of residence certificate issued by the Japanese Consuls and wish to return to the United States after a visit to Japan, parents, wives, and children of those who have such certificates, and settled agriculturists who are given special approval by the Foreign Office, mistakes are hardly expected to occur in the handling of the matter by the Prefectural Governors. But in order to ensure perfect disposition, it is decided that the Prefectural Governors should consult with the Foreign Office prior to the issuance of passports to emigrants (labourers) on and after the latter part of May.

Before his departure from Japan on furlough at the end of June, American Ambassador O'BRIEN told Vice-Foreign Minister ISHII that the result of restrictions on emigrants was extremely unsatisfactory. Then in an official letter dated June 28, he added that the prevention of enactment of a law restricting immigration would be extremely difficult, should the present situation prevail, in view of the fact that the actual result of the agreement between the United States and Japanese Governments concerning

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restrictions on immigration was very unsatisfactory.

Therefore, the Imperial Government endeavored to remove the anxiety of the United States Government, in a memorandum dated July 1, by explaining in details the aforesaid situation, based on statistics. At the same time, in an official letter dated August 4 and addressed to Charge d'Affairs JAY (TN; phonetic), the Imperial Government tried to rectify the misunderstanding shown in the letter of Ambassador O'BRIEN concerning the prevailing agreement relative to issuance of passports to those who desire to go to the United States to join their families already residing there.

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CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 11 pages and entitled "Extract of 'History of Diplomatic Relations between Japan and the United States (rough draft) compiled by Investigation Bureau of the Japanese Foreign Office, July 1939", is an exact and true extract of an official document of the Japanese Foreign Office.

Certified at Tokyo, on the 4th day of February 1947.

/s/ K. HAYASHI

Witness: Nagaharu Odo

TRANSLATION CERTIFICATE

I, Charles D. Sheldon, Chief of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/s/ Charles D. Sheldon

TOKYO, Japan
4 February 1947

第二節 約士協約ノ成立

三四二頁

第一項移民渡航制限ニ關スル米國政府ノ提唱
明治四十年（一九〇七年）九月二十八日在米奇木大使大統領「ルーズベルト」ニ面謁ノ節大統領ハ日米兩國民ノ交通ハ教育アル階級ニノミ限局スルノ賢明ナルコトヲ熱心ニ說ク所アリタルカ其後十月二十六日奇木大使トノ會見ニ於テ國務長官「ルート」ハ「一九〇七年米國移民法第二條ニ基ク同年三月十四日附大統領行政命令ノ執行ニ依リ日本労働者制限問題ノ解決ニ一段落ヲ告クルモノト期待セラレタルニ拘ラス其後約半ヶ年ニ瓦ル該行政命令實施ノ結果ハ其豫期ニ反シ却テ日本労働者ノ渡航増加シ來リタル爲太平洋ノ沿岸地方ニ於ケル労働組合ハ大統領行政命令ハ到底日本労働者ノ入國ヲ防止シ得ルモノニアラス從テ更ニ嚴重ナル移民制限法ノ制定ヲ爲ササヘルカラスト高唱シ一方ニ於テ全體ニ於ケル労働組合ニ向ツテ其協力ヲ促スト共ニ地方ニ於テ米國議會議員ニ運動シタル結果

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果辨日議員ハ大統領及議會ニ於ケル領袖ニ其ノ制走ノ必要ヲ強調スルニ至リ大統領及國務長官ニ於テモ現實日本労働者増加ノ事實アリテ轉輸業止令ノ實效ヲ伴ハサルコトヲ反證セルニ顧ミ斷然右議員等ノ主張ヲ拒否スルコトヲ得サル事情トナリ從テ若シ日本政府ニ於テ現狀ヲ洞察シ自ラ進ンテ任意ニ更ニ有效ナル労働者ノ渡航制限ヲ断行シ米國政府ニ對シ日本労働者制限法制定ノ不必要ニシテ且不得實ナルコトヲ明確ナラシムルニ足ルヘキ理由ヲ供セラルニアラサレハ大勢ノ赴ク所或ハ意シムヘキ辨斥法ノ成立ヲ見ルニ到ルヘキヲ屢ル」トヲ帝國政府ニ於テ更ニ嚴重ナル労働者制限ヲ勵行スルノ緊要ナルコトヲ懇説セリ青木大使ハ之ニ對シ帝國政府ハ誠意ヲ以テ米國大陸行日本労働者ヲ嚴重ニ制限スルノ方針ヲ實行シツ、アルノミナラス墨國行労働者ニ對シテモ行政上ノ措置トシテ出來得ル限りノ制限ヲ加へ以テ大統領行政命令ノ目的ノ達成ニ充分協力シツツアルコトヲ説述シ「帝國政府ニ於テ斯ノ如ク誠意ヲ以テ米國行労働者ノ制限ヲ嚴ニ實行シツツアルニ拘ラス萬一米國議會ニ於テ日本ハ排斥法ヲ制定スルカ如キコトヲハ實ニ容カナラサル事態ヲ醸成スヘキニ付

米國政府ニ於テ此等情ヲ充分了得セラレ謹會ノ行動ヲ阻止スルニ盡力セラレムコト切望ニ堪ヘサル」旨國務長官ニ懇談セリ

然ルニ之ニ對シ國務長官ハ「米國政府ニ於テハ敢テ日本政府ノ誠意ニ疑念ヲ挾マムトスルモノニアラサルモ不幸ニシテ統計ノ示ス事實ハ明カニ大統領行政命令ノ發期ノ效果ヲ收ムルニ足ラサリシコトヲ立證スルモノナリ而シテ米國政府ノ調查ニ據レハ労働者移住増加ノ重要原因ハ日本ニ存在スル移民會社ニ在ルヲ以テ帝國政府ニ於テ此移民會社ニ對シ嚴重ナル取締ヲ實行セラルニアラスンハ到底直接間接ニシク米國移住労働者ノ増加スルヲ防止スルコトヲ得サルニ於テハ米國ニ於ケル労働者ノ利益及一般社會福祉ノ保護上米國議會ノ進テ訴斥ノ手段ヲ起セムトスルヲ制スルコト能ハサルニ到ルヘシ」トテ帝國政府ノ考慮ヲ求ムル所アリタル
右會見ハ國務長官ノ墨國旅行ヨリ滿京後早々行ハレタルモノナル處眞際同長官ハ墨國々境ヨリ潛入スル日本労働者ニ言及シ「墨國ニ渡航スル殆ト總テノ日本労働者ハ單ニ米國ニ入國セムガ爲墨國ニ渡航セルモノノ如

シ」ト宣言シ日本政府ノ取締ヲ要求セリ

然ルニ墨國渡航者ニ禪シテハ帝國政府ニ於テモ常ニ注意ヲ怠ラス現行法
令ノ範圍ニ於テ行政措置トシテ出來得ル限り適當ト認ムル制限ヲ實行シ
又其後モ之ヲ持續セルヲ以テ米國政府ニ臨機適當ノ説明ヲ與ヘンコトヲ
十一月四日在米青木大使ニ訓令セリ

第二項紳士協約ノ協定ト其實效問題

其後米國政府ニ於テハ労働者制限問題ニ關シ正式ニ日本政府ニ提議スル
ノ必要ヲ認メタルモノノ如ク十一月十五日大統領ハ在米青木大使ニ對シ
太平洋沿岸諸州ニ於テハ極力日本人排斥法ノ制定ヲ要求シ來レルコトヲ
告ケ殊ニ移民局統計ハ之ヲ裏書セルコト又日本移民會社ノ存在力既因ト
ナルコトヲ指摘シ日本政府ニ於テ労働者ノ移住ヲ阻止シ一定ノ脅刀ナク
生活ノ爲勞働セサルヲ特スト認メラルル學生又ハ小商人ニ旅券發給ヲ拒
絶ゼンカ爲ニ嚴重ナル措置ヲ執ラルノ必要アルコトヲ力説スル所アリ
タリ越エテ十一月十六日在本邦米國大使「オブライエン」ハ林外務大臣
ニ對シ正式ニ警諭ヲ送リ更ニ嚴重ナル労働者渡航制限ノ勦行ヲ要請シ同

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- (五) 日本政府ハ正當入米者ヲ保護セムカ爲在米日本領事官ヲシテ日本及朝
 (四) 将來非勞働者旅券ノ發給ヲ受ケタル者ニシテ米國本土若クハ布陸ニ渡
 航後手工的勞働ニ從事シタル場合又勞働者トシテ米國本土内ニ渡入シタル場合ニ於テハ日本
 政府ハ其旅券ノ本人ニ與ヘタル福利ハ喪失セリト認ムヘキコト
- (三) 日本政府ハ勞働者又ハ前記ノ生活狀態ニ仁ル者ニ對シテハ一ヶ年ニ一千以上ノ布陸行旅券ヲ發給セサルコト
- (二) 熟練及不熟練労働者ノ米國本土行旅券ヲ發給セサル日本政府ノ既定政
 氣ハ今後モ尙之ヲ持續スルト共ニ一切ノ旅券請求者ニ對シ米國到着後
 ニ於ケル生活狀態ヲ先以テ縝密ニ調查シ労働者トナルヘキ辰アル者ニ
 ハ將來全然旅券發給ヲ拒絶スルコト
- (一) 日本政府ハ労働者ニ對シ一定書式ノ旅券ヲ發給シ本人ノ識別ヲ容易ナ
 ラシムル爲其入相及職業ヲ記スコト

鮮労働者ノ登録ヲ實行シ一九〇八年一月一日以後一ヶ年間該労働者ノ
請求ニ依リ一定書式ノ登録證明書（米國官憲ノ捺印裏書アルコトヲ必
要トス）ヲ發給セシメ又日本若クハ朝鮮労働者ノ認證ニ必要アル場合
ニ於テ材料蒐集ノ爲米國官憲ト協力セシムルコト且一九〇八年一月一
日ヨリ一ヶ年經過後ニ於テハ日本政府ハ前記證明書ノ所持ヲ以テ日本
人又ハ朝鮮人カ旅券ニ違背セスシテ米國領土内ニ於テ労働ニ從事スル
ノ唯一且必須ノ證據ト看做スヘキコト但シ布咲ニ於テハ毎年發給限定
數タル一千ノ内ニ含マルル旅券ヲ受ケタル労働者ハ同島到着後一ヶ年
間ハ旅券ヲ證明書ニ代フル必要ナキコト

(六) 然日本政府ハ旅券及前記證明書ノ目的ヲ達スル爲米國政府ト協力シ適當
ノ手段ニ依リ日本人及朝鮮人ニシテ移住ノ條件ニ違反シタル者ノ關係
汽船會社ヲシテ送還セシムルコト

ルニ右米國側提案中ニ帝國政府ニ於チ同意シ難キモノアリ殊ニ（四）乃至
ハ到底帝國政府ニ採リ實行困難ナル條件ナルヲ以テ其提案ヲ承認スル
ルコトヲ得サリシモ日本ノ利益ト威儀トニ合致スル方法ニヨリ米國政

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- (一) 日本政府ハ再渡航者及米國本土在留者ノ父母妻子ヲ除クノ外一切労働者ニ對シ米國本土行旅券ノ發給ヲ爲ササルヘシ
- (二) 右ノ除外例トシテ定住農民ヘ *settled agriculturists* ニ對シテハ旅券ヲ發給ス但シ詐欺的手段ニ依ルモノヲ防ク爲相當ノ基準ラ採ルヘシ
- (三) 學生、商人、旅行者等ニ付テハ旅券發給前嚴重ナル調査ヲ爲シ渡米後労働ニ從事スル虞アル者ニハ一切旅券ヲ發給セサル方針ニシテ之カ爲資力教育等ニ付一定標準ヲ設ケ之ヲ地方長官ニ訓達スヘシ
- (四) 帝國政府ハ當分ノ間試驗的ニ再渡航者及同島在留者ノ父母妻子ヲ除クノ外一切労働者ノ布陸行ヲ禁止スル意図ヲ有ス
- (五) 帝國政府ハ米國ノ隣接處ニ渡航スル移民ニ對シ從來ノ批難ヲ有スニ除却スルニ足ルト認メラルベキ手段ヲ講セント欲ス

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右通告ニ對シ米國大使ハ明治四十一年（一九〇八年）一月二十五日附公文ヲ以テ林大臣ニ對シ米國側提案（四）乃至（六）ノ實行ヲ再度要求スルト共ニ補追方法トシテ次ノ諸點ノ採用ヲ要求セリ

（一）旅券ハ其偽造及他人ノ轉用防止スル爲嚴重取締ヲ要スルコト
（二）既ニ米國ニ居住セル労働者又ハ其ノ兩親妻子ニ對シ旅券下附ニ方リ細心ノ注意ヲ加ヘ濫用ノ弊ナカラシムルコト

（三）定住農夫トハ小農督本家ニシテ契約ニ依リ給料ヲ支給セラル農業労働者ニ非サルモノト了解セラルニ依リ此標準ニ從ヒ右ノ經濟上ノ地位ヲ有スル者ニ對シテノミ旅券ヲ發給スヘキコト又農業者ニシテ右ノ經濟上ノ地位ヲ有スト云フモ現實ニ土地ノ上ニ權利ヲ有スルニ非サレハ米國契約労働法違反トナルコト多カルヘキコト

（四）労働者ニ關シテハ日本政府ノ提議ト米國政府ノソレト合致セシムルノ要アルコト
（五）布畦行労働者ニ下附スヘキ旅券ノ數ハ米國大統領ノ同意アルニ非サレハ毎年一千ニ限ルコト

帝國政府ニ於テハ米國提案(四)乃至(六)及追補方法案(五)ニ對シテハ同意スルコト困難ナリト認メタルモ更ニ考究ヲ重ネタル結果二月十八日附公文附屬覺書ヲ以テ林大臣ヨリ米國大使ニ次ノ實行方法ヲ回答セリ

(一)米國提案(四)ニ關聯シ今後旅券ニ對シ詐欺手段ヲ爲シタル者及其兩親妻及家族ニ對シ旅券發給ヲ拒絶スルコトトンヘシ

(二)米國提案五ニ關聯シ今後一種ノ登錄制度ヲ實施シ在日本人ヲシテ其管轄領事官ニ對シ届出ヲ爲サシムヘシ尤モ右登錄ノ欠缺ハ住居権剥奪ノ理由トナラサルコト

(三)米國補追方法案(一)及(二)ニ關シテハ日本ニ於テ外當取締ヲ勵行シツツアリ

(四)米國補追方法案(三)定住農夫ノ意義ニ關シテハ右米國側ノ解釋ト帝國政府ノ解釋トハ殆ト相一致ス現ニ右ニ從ヒ旅券發給ニ關シ取締ヲ爲セリ

(五)米國補追方法案(四)ノ労働者ノ定義ニ關シテハ帝國政府ハ一九〇七年四月八日公布大統領令中ニ與ヘラレタル定義ニ據ルコトヲ辭セサルヘシ但シ今後大統領令ニ定ムル定義ニ變更アルモ之ニ違依セムトスル次第

ニアラス

其後米國大使ハ二月二十一日附公文ヲ以テ林大臣ニ對シ

(一) 移民ノ往來ヲ明確ニ知悉センカ爲日米兩國ノ港ニ到リ又ハ其港ヨリ出發スル日本人ノ數ヲ毎月一日以後成ル可ク速ニ兩國相互間ニ交換スルコト

(二) 布哇ニ關シテハ將來同島ニ於テ日本労働者ノ需要アル場合ニ於テハ日本政府ハ米國政府ト協力シ同島ノ實情ヲ調査シ労働者ノ渡航ハ其必要ノ限度ニ止ムヘキコト

ヲ提議シ日本政府ハ二月二十三日覺書ヲ以テ本件交渉ノ目的トナレル種類ノ日本人ノ往來ニ關スル統計ノ交換ヲ爲スコト及布哇行労働者制限ニ對シ將來解禁ヲ爲スノ適切ナル場合豫メ米國官憲ノ手ヲ經テ同島ノ労働狀態ヲ調査スヘシトノ米國ノ提案ニ同意スル旨米國大使ニ回答セリ尙三月十二日米國大使ハ林大臣ニ對シ墨國又ハ加奈沽ニ渡航シタル日本人ニシテ後ニ至リ米國ニ潛入シタル者ハ日本汽船會社ノ手ヲ經テ該隣接諸國ニ送還スル手段ヲ採ラシムルコトヲ要請シタルモ日本政府ニ於テハ

右ハ前記米國提案(六)ト同様困難ナル所ナルニヨリ米國ノ要請ヲ拒絶セリ
 同年六月十二日在米高平大使大統領ト面謁ノ節大統領ト移民問題ニ言及
 シ紳士協約ノ協定アリタル後ニ於テモ尙多數ノ日本労働者ノ渡來アリ其
 中ノ大部分ハ定住農夫ト稱スルモ實際労働者ノ階級ニ屬スルコトヲ指シ
 「日本政府ニ於テ旅券發給ニ關シ更ニ嚴重ナル取締ヲ爲ス必要アリ」ト
 詳ヘタルカ之ニ對シテ六月十九日高平大使ハ政府ノ訓令ニ基キ統計數字
 ヲ擧ケ次ノ趣旨ヲ回答説明セリ

- (一) 帝國政府ハ此ニ聲明シタル主旨ニ依リ地方長官ニ嚴訓シテ渡航ノ制限
 ヲ實行セシメツツアルカ尙一層有效ニ之ヲ勵行スル爲渡米者ニ對スル
 旅券下附ノ當否ニ付外務省ニ於テ直接裁斷ヲ行フコトトシ一九〇八年
 四月ヨリ修學商甲等移民(勞働者)以外ノ者トシテ旅券出願アル時ハ
 一々各地方長官ヨリ外務省ニ協議セシムルコトセリ(此結果ハ五月
 以後ノ統計ニ現ハルヘシ)
- (二) 移民渡航許可ノ範圍ハ領事發給ノ在留證明書ヲ有スル再渡航者該證明
 ヲ有スル米國在留者ノ父母妻子及外務省ニ於テ特ニ承認ヲ與ヘタル定

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住農夫ニ限定セルヲ以テ地方長官ノ取扱ニ錯悞アルカ如キハ稀有ノモ五月下旬ヨリ旅券下附前外務省ニ協議セシムルコトトセリ
 在本邦米國大使「オブライエン」ハ六月末賜暇斷固前石井外務次官ニ對シ移民取締ノ結果カ極メテ不満足ナルコトヲ談話シ更ニ六月二十八日附公文ヲ以テ移民制限ニ關スル彼我ノ取扱ニ基ク質疑若タ不満足ニシテ此狀態ノ體ニ於テハ終ニ移民制限法ノ成立ヲ阻止スルコト至ナル旨ヲ附加セリ
 依テ帝國政府ハ七月一日覺書ヲ以テ統計ヲ根據トシテ前顯ノ事情ヲ諒説シ米國側ノ不安ヲ排除スルニ努力スルト共ニ八月四日在本邦代理大臣「デエー」宛公文ヲ以テ右「オブライエン」大使善面中ニ見エタル再渡航者呼寄家族ニ對スル旅券下附等現行協定ニ付テノ誤解ヲ匡正スルニ努メタリ

PURL: <http://www.legal-tools.org/doc/4c2dd9/>